

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

Curtis Lee ERVIN,

Petitioner,

v.

Kevin CHAPPELL,<sup>1</sup> Acting Warden of  
San Quentin State Prison,

Respondent.

Case Number 4-0-cv-1228-CW

DEATH-PENALTY CASE

ORDER GRANTING PETITIONER'S  
MOTION FOR ONE-MONTH  
EXTENSION OF TIME TO  
RESPOND TO RESPONDENT'S  
MOTION FOR SUMMARY JUDGMENT

[Doc. No. 240]

Petitioner's response to Respondent's Motion for Summary Judgment, (Doc. No. 213), is presently due on November 14, 2012, (Doc. No. 238; see Doc. No. 237). Petitioner seeks a one-month extension of time to file his brief. (Doc. No. 240.) Respondent stipulated to or did not oppose six prior requests for extensions. (See Doc. No. 241 at 1.) However, he opposes the present request because "at some point, a delay becomes excessive." (Id. at 2.)

Respondent's point is well taken. However, Petitioner's

<sup>1</sup> Respondent's name is correctly spelled as indicated here.

1 Motion establishes good cause for an extension, (see Doc. No. 240  
2 at 2), and Petitioner "does not anticipate requesting another  
3 extension," (id. at 1).

4 Accordingly, the Court grants Petitioner's Motion as  
5 follows: Petitioner shall respond to Respondent's Motion for  
6 Summary Judgment on or before December 17, 2012; absent  
7 compelling circumstances, the Court does not anticipate granting  
8 any further extensions of time to oppose summary judgment.

9 IT IS SO ORDERED.

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11 DATED: November 15, 2012



Claudia Wilken

United States District Judge

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